

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL DISCOVERY HEARING MINUTE ORDER

Date: 6/5/2020	Time: 2:07-3:07	Judge: DONNA M. RYU
Case No.: 3:18-cv-00358-WHA 3:20-mc-80078-WHA	Case Name: Uniloc USA, Inc. v. Apple Inc. In Re: Subpoena to Fig LLC in connection with Uniloc USA, Inc. v. Apple Inc.	

For Plaintiffs:

James Foster

For Defendant:

Douglas Winnard

Michael Pieja

Deputy Clerk: Ivy Lerma Garcia

Court Reporter: Pamela Batalo-Hebel

PROCEEDINGS HELD VIA ZOOM VIDEO CONFERENCE

1. Joint Discovery Letter Brief [Docket No. 139 in 3:18-cv-00358-WHA]
2. Joint Discovery Letter Brief [Docket No. 10 in 3:20-mc-80078-WHA]

Defendant's motions to compel granted in part and denied in part as follows:

Uniloc and Fortress's Internal Drafts of the RSA and Amendments: Counsel for Plaintiffs/Fortress shall investigate the "gaps" in the version numbers of the drafts of the Revenue Sharing Agreement ("RSA") and 3rd Amendment to the RSA ("3rd Amendment") to confirm that any drafts that were not produced were internal and not exchanged between Plaintiffs and Fortress. By no later than June 12, 2020, Counsel for Plaintiffs/Fortress shall communicate the results of the investigation to Apple's counsel. By June 19, 2020, Fortress shall produce any internal drafts of the 3rd Amendment to the RSA that refer in any way to section 6.2 of the RSA, or that involve changes to section 4 of the 3rd Amendment to the RSA.

Communications regarding Drafts: The court denied Apple's request as overbroad. By June 8, 2020, Apple shall identify to Plaintiffs/Fortress the specific provisions of the RSA upon which it relies in making its jurisdictional challenge. By June 19, 2020, Plaintiffs/Fortress shall produce all communications between Plaintiffs and Fortress discussing any of the RSA provisions identified by Apple, as well as communications internal to Plaintiffs or Fortress and communications between Plaintiffs and Fortress that discuss 1) the reasons Plaintiffs requested

additional financing or 2) Fortress's need for protection in order to give Plaintiffs additional financing.

Performance, Default & Cure: By June 19, 2020, Plaintiffs/Fortress shall produce all communications (unbounded by date) regarding Plaintiffs' failure to comply with monetization revenue targets for the time period March 2016 through May 2017, and communications regarding any actions either side took or considered in light of Plaintiffs' failure to comply with such targets.

Counsel for Plaintiffs/Fortress shall immediately investigate the accuracy of Plaintiffs' statement on page 5 of the joint letter filed at Docket No. 139 that "[t]he Uniloc entities did not prepare and send formal monetization reports each month," as the statement is inconsistent with Palmer's November 9, 2018 declaration that Plaintiffs "provide[d] regular updates to Fortress." By June 12, 2020, counsel for Plaintiffs/Fortress shall communicate the results of the investigation to Apple. By June 19, 2020, Plaintiffs/Fortress shall produce all documents and communications regarding Plaintiffs' compliance with any revenue target set forth in the RSA. By June 19, 2020, Plaintiffs/Fortress shall produce any and all "notices and reports that Uniloc provided to Fortress pursuant to Section 6.5 of the RSA."

Attorney/Client Privilege: Counsel for Plaintiffs/Fortress shall review all documents and communications that fall within the categories of information ordered produced above, including communications involving in-house or outside counsel. If Plaintiffs/Fortress assert attorney-client privilege over any such documents or communications, they shall produce a privilege log in accordance with the court's Standing Order that contains information sufficient to enable Apple to review and assess the claim(s) of privilege.

The parties are ordered to meet and confer about any remaining disputes regarding the issues raised in the today's hearing. If they cannot resolve the disputes, they must file a joint discovery letter by no later than June 26, 2020. The letter may not contain any new arguments or disputes.

Order to be prepared by:

() Plaintiff () Defendant () Court

cc: Chambers